

[SUBMISSION]

For the: **Australian Veterans' Recognition (Putting Veterans and their Families First) Bill 2019**

To: **FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION SENATE COMMITTEE**
(Name Withheld)

I am grateful for the opportunity to make this supplementary submission.

I would like to address the issue of the definition of a Veteran.

Over the past couple of years both the Government and various Ex Service Organisations (ESOs) have made statements regarding their definition of a Veteran. These definitions have been thrown into the public arena without any consultation with the broader Veteran community. These definitions have caused deep division and infighting within the Veteran community, to the extent that there has been damage done to our sense of community and identity.

I am aware that when the Government makes decisions about Veterans, they ask for the opinions of ESOs and various Defence associations, as these are the bodies who are meant to represent the Veteran community. Unfortunately, in these modern times, the vast majority of Veterans, regardless of age or service, are not involved with these organisations, do not feel that they represent their interests and in a lot of cases have a deep mistrust of these organisations. These days, many Veterans seek support and camaraderie within online support groups, most of which are located on social media platforms such as Facebook. It is within these groups that information is shared, support is sought and offered and friendships are made and maintained. It is also the place where Veterans share their concerns about issues that affect Veterans. I believe that the Government needs to take these facts into account when seeking to understand the needs and attitudes of the Veteran community.

Government and ESO Definition of a Veteran

Firstly, the term Veteran is defined in a number of different pieces of legislation and none of them are exactly the same. For the sake of brevity I won't outline them all here but they can be found in all legislation relevant to Veterans. The important point is that they are all different.

It was reported in the media in recent years that the RSLs in two states had decided that the definition of a Veteran was anybody who had served one day or more in the Defence Force.

Admiral Doolan Rtd, the President of the National RSL has been quoted as saying that

younger people don't like to be called Veterans because it makes them feel old. I believe this shows just how out of touch the RSL is with the Veteran community that it purports to represent. Visit any Veteran centric Facebook group and you will find many young people referring to themselves as Veterans. I have never once heard anybody say that they felt the term Veteran made them feel old. In fact, the term Veteran is held with pride by all and in some cases is actually coveted.

In the Productivity Commission Draft Report of December 2018 into A Better Way to Support Veterans they state "...a Roundtable of Australian Veteran's Ministers agreed that a veteran would be defined as anyone who has served at least one day in the ADF. As such for this inquiry we have used the term Veteran to cover all current and former serving ADF personnel, whether they were deployed to active conflict or peacekeeping operations or served without being deployed." I have been unable to find out if that Roundtable of Australian Veteran's Ministers actually engaged in consultation with the Veteran community before deciding on that definition.

As you can see from the above, there are conflicting views in ESOs and Government regarding the definition of a Veteran. More importantly, these views are very much at odds with the way Veterans define themselves.

Veteran Community Definition of a Veteran

The Veteran community is comprised of a complex mix of Veterans who represent all three arms of the ADF, different conflicts, different genders, different ages and those with and without overseas service just to name a few variables. In understanding the make up of the community, it is then easy to understand why Veterans themselves cannot agree on the issue of what constitutes a Veteran. There is jealousy, anger and outrage frequently expressed over who is entitled to be called a Veteran. There is significant discord between those who have served overseas, particularly those who have served in direct conflict and those who served but never left Australia. Those who never served overseas maintain that they should be considered Veterans because they were ready and willing to serve overseas but were, through no fault of their own, never deployed. There are others who have been in harms way overseas, who believe that only they deserve to be called a Veteran. Then there are those who served only in Australia and do not consider themselves to be a Veteran.

The Government and ESOs attempts to define a Veteran have caused even greater rifts in our community. However, one thing is certain, regardless of the service of the Veteran, there are not many who will agree with the definition that has been put forward by these two bodies.

Those Who Should Not Be Defined as Veterans

When putting forward definitions of Veterans, ESOs and the Government fail to take into

account that by degrading the term Veteran and using it to apply to “anybody who served” they include those people who by their conduct, forfeit their right to the title of Veteran. The people to whom I am referring are those who have not left the service honourably. That is not the correct terminology but each Service and circumstance has a different name for it and it is clear that by using that term I am discussing “the bad eggs” and it is a term that is recognised and understood by society in general.

People are dishonourably discharged from the ADF for many reasons. These include but are not limited to:

- *Convictions for serious service offences
- *Accumulation of minor service offences
- *Poor performance
- *Unsuitability for service
- *Convictions for civil offences such as fraud, assault, theft
- *Convictions resulting in imprisonment for serious civil offences such as murder, sexual assault, drug trafficking
- *Use of illegal substances or alcohol abuse and misuse
- *Fraud related to enlistment such as not declaring a medical condition or not being an Australian citizen

Examples of people who have been dishonourably discharged (some slightly altered for de-identification).

- * A serving member who murdered a Sydney taxi driver and was sentenced to imprisonment
- * A serving member who committed fraud with his Defence Travel Card worth hundreds of thousands of dollars
- * A serving member who was convicted of raping eight boys under the age of 16.
- * A serving member who was convicted for setting fire to aircraft hangars that resulted in the loss of nine aircraft
- * A serving member who was convicted of intentionally setting fire to a clothing (uniform) store
- *A serving member who was found by a Board of Inquiry to have been negligent in performing his duty which resulted in the death of 9 serving members.
- * Many serving members go AWOL and are discharged in absence.
- *Most famously, Derek Percy, a serving member of the RAN, murdered a small girl on the South Coast of NSW in the 70s. He died behind bars having served 41 years in prison.

These examples are but a small selection of those who have rightly been dismissed dishonourably from service over decades of ADF history. Under all the definitions put forward by the Government and ESOs in recent times and indeed under the definition that forms part of this proposed Bill, each one of those people (and many of them do) can call themselves a Veteran and will be able to avail themselves of the honour and benefits associated with the Veteran Covenant. I don't think that any reasonable person would think

that people such as these, should be entitled to carry the title of Veteran.

It has been suggested that it is better that a few "bad eggs" get something they shouldn't, than have somebody who is entitled miss out. That doesn't have to be the case and I will demonstrate why in my recommendations. It has also been suggested that it would be too hard to keep the "bad eggs" out of the scheme. I believe it would be worth making the effort.

Conclusion

The Veteran community should be afforded the opportunity to define themselves. They should not be defined by the Government nor should they be defined by a small band of people who are not elected by the wider Veteran community but who purport to represent them. Veterans should not have a definition imposed on them. To do so is akin to cultural insensitivity.

Those who were discharged dishonourably should never be granted the title of Veteran. It is inappropriate and steals honour and valour from these who actually earned the right to be called Veteran.

Recommendations

1. This Bill should be put on hold, whilst the definition of a Veteran is properly and conclusively considered and determined.
2. The Government should consult with the wider Veteran community to determine the general consensus regarding the definition of a Veteran. It should be done by the most appropriate and accessible means and should be widely promoted not just in traditional media and through ESOs but by making use of the Veteran social media network of groups.
3. Under no circumstances should those who have brought shame to themselves and the ADF and been dishonourably discharged be regarded as Veterans nor be included in the Veteran Covenant.
4. I recommend that one suggestion that be put to the Veteran community if consultation is carried out is, that the term Veteran be defined not with a single word but with a number of different definitions to appropriately and respectfully recognise the different forms of service:
 - a. Combat Veteran – a member who has overseas service in either conflict or peacekeeping
 - b. Veteran – member who has served within Australia only
 - c. Former serving member – any person who has served but was not honourable discharged.

These definitions could be enshrined in all forms of legislation so that once and for all there is consistency. The definition given for Former Serving Member would ensure that those

people retained their entitlement to make claims under DVA but would not be considered Veterans nor entitled to the title.

This act by the Government to recognise the sacrifice of Veterans and their families is a wonderful initiative. It is important that it is not rushed through and that things, such as the definition of a Veteran are correct. The Veteran community need this definition to be correct and only the Government can ensure that and they must do it with the help of Veterans themselves.

Thank you for considering my submission.

07 March 2019